



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

November 17, 2011

Kenny McDaniel, Manager
C/o Skip Renschler, North Steens Transmission Line Project Lead
Bureau of Land Management
Burns District Office
28910 Highway 20 West
Hines, Oregon 97738

Re: U.S. Environmental Protection Agency (EPA) Comments on the North Steens Transmission Line Project (Project) Final Environmental Impact Statement (FEIS). (EPA Project Number 09-042-BLM)

Dear Mr. McDaniel and Mr. Renschler:

The EPA has reviewed the Bureau of Land Management's (BLM) FEIS for the North Steens Transmission Line Project in Harney County, OR. Our review has been conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

In our September 16, 2010 comments on the DEIS, we noted and provided recommendations on three environmental impacts (impaired waterbodies, noise and visual impacts to wilderness values, and, impacts to wildlife and wildlife habitat) that should be avoided or adequately mitigated for full protection of the environment. We also described several insufficiencies of the DEIS.

In this letter, we respond to changes in the FEIS that address both our recommendations for avoiding or mitigating impacts for full protection of the environment as well as our recommendations to improve the adequacy of the impact statement. Overall, the FEIS is responsive to our recommendations.

Our review of the FEIS has also resulted in three further recommendations for your consideration.

1. We recommend that the final version of the Habitat Mitigation Plan include a role for the Technical Advisory Committee to contribute to supplemental planning or corrective measures if Echanis cannot demonstrate that the Mitigation Area is trending toward meeting the criteria within 5 years after the date construction. As currently written, the Habitat Mitigation Plan includes a role for the applicant and the County, but, no role is identified for the Technical Advisory Committee, who, as they are generally the subject area experts, should be involved.
2. Of all of the new proposed mitigation measures, and with recognition that implementation of these measures would be beyond BLM's direct jurisdiction, we especially encourage consideration of the following possible measures from the FEIS. These measures are generally

consistent with avoiding and mitigating impacts to wilderness values and visual resources from wind energy development.

- a. Shifting the turbine layout to the north and west approximately .25 to .5 mile to a lower elevation, thus reducing the visibility of the turbines from the Steens Mountain Wilderness, WSAs, and LWCs. This measure would also reduce noise levels to ambient levels for the Lower Stone House WSA and LWC.
 - b. Developing aesthetic offsets where corrective or ameliorative actions are needed to improve the existing condition. Examples could include reclaiming unnecessary roads in the area, cleanup of illegal dumps or trash, or rehabilitation of existing erosion or disturbed areas.
3. We recommend that the final Weed Management and Control Plan more explicitly disclose whether and how Echanis is responsible for noxious weeds that may become established as a result of the project. We are concerned that the draft Weed Management Control Plan states, "Echanis shall control the weeds on a case-by-case basis."¹

More detailed information relating to these recommendations is enclosed in our detailed comments on, respectively: Fish, Wildlife and Special Status Animal Species; Wilderness; and, Noxious Weeds.

We recognize the management challenge that the Project presents. Wind energy development will indeed help to meet the nation's energy demand, while reducing the relative amount of greenhouse gas emissions necessary to do so. Wind energy development located in areas with high levels of conflict and sensitive resources, however, present a corresponding risk of adverse consequences. Where possible, it is preferable to direct development away from areas of high conflict and sensitive resources and toward areas of low conflict, such as previously disturbed sites, areas adjacent to previously disturbed sites, and locations that minimize construction of new roads and transmission lines.

Broad EPA and BLM policies express a preference for directing renewable energy development toward low conflict areas. From the EPA, consider the RE-Powering America's Land Initiative, which promotes renewable energy development on disturbed or degraded lands.² From the BLM, consider BLM Instructional Memorandum (IM) No. 2011-061, which establishes a screening and prioritization process designed to direct development away from lands with high conflict or sensitive resource values and towards low conflict areas.

We concluded our cover letter on the DEIS by noting that our mission generally lends itself to support for the environmentally preferable alternative. Here, we reiterate this support. Further, we encourage the BLM to follow the Council on Environmental Quality's "NEPA's 40 Most Asked Questions" expression of the ordinary meaning of the environmentally preferable alternative. According to this CEQ memorandum, the environmentally preferable alternative would be the alternative that causes the least

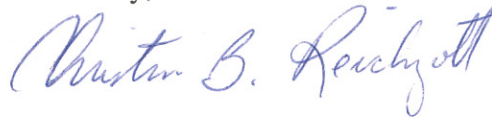
¹ FEIS, Appendix F, Draft Weed Management and Control Plan, p. 6

² <http://www.epa.gov/oswerpcpa/>

damage to the biological and physical environment, and best protects, preserves, and enhances historic, cultural, and natural resources.

If you have any questions regarding the EPA's comments, please contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov , or you may contact Erik Peterson of my staff at (206) 553-6382 or by electronic mail at peterson.erik@epa.gov .

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosure:

EPA Region 10 Detailed Comments for the North Steens 230-kv Transmission Line Project Final
Environmental Impact Statement

EPA REGION 10 COMMENTS FOR THE NORTH STEENS 230-KV TRANSMISSION LINE PROJECT FINAL ENVIRONMENTAL IMPACT STATEMENT

Purpose and Need

In our comments on the DEIS, we described our concern that the only specific reference supporting the conclusion that the Project's relatively high potential for winter production would be particularly beneficial for the integrated transmission and power system was a newspaper article. Within the newspaper article³, the only sources supporting this conclusion are the applicant's project development manager and president. Citing an article that quotes the applicant is not a sufficient method of utilizing facts and analysis to support how a project addresses an underlying problem or deficiency.

To address this concern, we recommended that the FEIS include additional facts and analysis which support how the Project will reduce constraints in existing power generation and transmission infrastructure to meet current and future energy demands. Additional information in the FEIS – such as new language about the Project's potential to benefit the balancing required by the Bonneville Power Administration and Figure 3.18-3 "Echanis Project and Columbia River Gorge Projects Estimated Typical Monthly Energy Generation (in percent annual output)" – is responsive to our recommendation.

Water Resources

To address our concern that the DEIS was unclear which design features and Best Management Practices (BMPs) would reduce the potential for impacts to impaired waterbodies, we recommended that the FEIS address the specific actions which will be taken to avoid, minimize and mitigate impacts. The FEIS's new reference to Water Resources specific BMPs in Appendix A.3.2 (p. 3.2-27) as well as new information relating how other mitigation measures could be included in the Clean Water Act (CWA) Section 404 and 401 permits issued for the project (p. G-63) is responsive to our recommendation.

Air Quality

We commend the BLM for including an estimate of the permanent effects of the no-action alternative on greenhouse gases and climate change. And, because we believe that judging the scale of GHG reductions associated with renewable energy against a project's unavoidable adverse effects is an important aspect of identifying the environmentally preferable alternative, we noted our concern that the DEIS did not discuss the accuracy of GHG reduction estimates or the methodology used.

To address our concern, we recommended that the FEIS include additional information on how the Climate Registry Protocol, Version 1.1 was used to accurately estimate GHG offsets from the Echanis Wind Energy Project. By disclosing that the GHG emissions factor used is from the South Coast Air Quality Management District and the EPA, the FEIS is responsive to our recommendation.

Fish, Wildlife and Special Status Animal Species

To address our concern about wildlife and wildlife habitat, we recommended that the FEIS better facilitate meeting the requirements of Oregon's Habitat Mitigation Policy through categorization and disclosure of wildlife habitat in the project area. Figure 3.5-5, "ODF Greater Sage-Grouse Strategy

³ http://seattletimes.nwsources.com/html/business/technology/2008106953_windpower12.html

Areas”, is directly responsive to our recommendation.

FEIS Appendix F’s new Draft Habitat Mitigation Plan is also responsive to concerns about impacts to wildlife and wildlife habitat. The draft plan’s Success Criteria (pages 6-7) are particularly important and we recommend that the final version of this Habitat Mitigation Plan include a detailed role for the Technical Advisory Committee to contribute to supplemental planning or corrective measures if Echanis cannot demonstrate that the Mitigation Area is trending toward meeting the criteria within 5 years after the date construction.

Noise

To more sufficiently disclose noise impacts to campgrounds and wilderness values, we recommended that the FEIS (i) include a quantitative estimate of the noise impacts from the East and West Ridge Wind Energy Projects and Fish Lake Campground, and, (ii) discuss how a 31 to 38 dBA increased noise level at Mann Lake Campground is a ‘slight’ increase in noise levels.

The FEIS provides neither the quantitative estimate requested, nor, any further discussion of how a 31-38 dBA increased noise level is ‘slight’. However, the FEIS is responsive because the noise analysis is improved (E.g., Figure 3.17-2 Echanis Wind Energy Project Noise Modeling/Analysis). Also, we encourage the applicants to implement a noise monitoring program (such as the one proposed on FEIS p. 3.17-10). A noise monitoring program would answer useful questions about the noise impacts of wind energy development, such as determining the accuracy of noise modeling.

Wilderness

To address our concerns about noise and visual impacts to wilderness values, we recommended that the FEIS disclose how mitigation measures for wilderness values minimize identified effects. We were particularly interested in the effectiveness of mitigation measures for the following effects: (i) acres with views of project facilities, and, (ii) effect to opportunities for primitive and unconfined recreation and sense of solitude.

Although the FEIS does not specifically address the effectiveness of mitigation measures for reducing the number of acres with views of project facilities, it does include useful new information on the effectiveness of mitigation measures for protecting opportunities for primitive and unconfined recreation and sense of solitude (E.g., p. ES-16 and 3.13-6).

In addition to new analysis on the effectiveness of project design features and mitigation measures for noise, visual resources and wilderness values, the FEIS includes several new potentially protective measures. Of all of the proposed measures and with recognition that implementation of these measures would be beyond BLM’s direct jurisdiction, we especially encourage consideration of the following:

- ‘Shifting the turbine layout to the north and west approximately .25 to .5 mile to a lower elevation, thus reducing the visibility of the turbines for the Steens Mountain Wilderness, WSAs, and LWCs. This measure would also reduce noise levels to ambient levels for the Lower Stone House WSA and LWC.’

- ‘Developing aesthetic offsets where corrective or ameliorative actions are needed to improve the existing condition. Examples could include reclaiming unnecessary roads in the area, cleanup of illegal dumps or trash, or rehabilitation of existing erosion or disturbed areas;...’

Shifting turbine layouts to avoid sensitive resources such as lands with wilderness values is the kind of project planning/ mitigation which we believe should be used to the maximum extent practicable to reduce adverse effects to opportunities for primitive and unconfined recreation and sense of solitude.

Conformance with Federal Laws, Regulations, and Policies and Amendments to Resource Management Plan

The additional information in the FEIS Appendix G is responsive to our recommendations related to conformance with Federal laws, regulations, and policies, as well as, amendments to resource management plan recommendations.

Cumulative Impacts

Additional information in the FEIS, especially in sections 3.19.2.9 and 3.19.2.13, is responsive to our recommendation that the cumulative effects section of the FEIS account for effects to resources consistently.

Noxious Weeds

To address our concern that the DEIS does not sufficiently disclose the control strategy for noxious weeds that may become established as a result of the project, we recommended that the FEIS include additional information on specific control measures for any noxious weeds which are introduced and established as a result of the project. Sections 3.3 and 4 of the Draft Weed Management and Control Plan (FEIS, Appendix F) address our recommendation. Section 4.1, Ongoing Monitoring, is especially relevant and usefully states that, “The transmission line will need to be monitored and treated for noxious weeds annually. The wind farms will need to be monitored and treated for noxious weeds annually.” Section 4.1 goes on to state that, “Echanis shall control the weeds on a case-by-case basis.” We remain unsure whether Echanis’s case-by-case approach is a commitment to take responsibility and recommend that the final Weed Management and Control Plan more explicitly disclose whether and how Echanis is responsible for noxious weeds that may become established as a result of the project.

Biological Soil Crusts

To address our concern that the DEIS may have underestimated the impacts to Biological Soil Crusts (BSCs)⁴, we recommended that the FEIS include an estimate of the area of BSCs that would be impacted by overland travel. Additional information in section 3.1.3 – such as, “In addition, overland vehicle access could affect up to 24.29 acres of BSC, assuming BSC were present in all areas potentially disturbed by overland access roads.” (FEIS, p. 3.1-23) - is responsive to our recommendation.

⁴ 1.87 acres for transmission poles and .69 acres for the interconnection station (ICS) (DEIS, 3.1-17 and elsewhere)